

EXHIBIT 5

Videotaped Deposition of
Emily Kim
March 16, 2023

Freeman

vs.

Deebs



Emily Kim

1 EMILY KIM

2 do recall receiving those e-mails from Lynne Freeman
3 when I was in Vermont.

4 Q. Well, was this during COVID? You had said you
5 were in Vermont working during COVID?

6 A. Correct.

7 Q. Well then, weren't you in Vermont during COVID?

8 A. I traveled back and forth.

9 MR. KOONCE: Just let me object.

10 Q. So it's your position as we're sitting here
11 that on March 31, 2021, at approximately 10 in the
12 morning, you were in New Jersey, and then on April 1,
13 you were in Vermont?

14 A. Correct.

15 MR. PASSIN: Next I'm going to mark as
16 Exhibit 91 a document Bate stamped number LF
17 126632 through 126633.

18 (Whereupon, LF 126632-33 was marked as
19 Exhibit 91, for identification, as of this
20 date.)

21 Q. Did Lynne Freeman submit -- well, why don't you
22 take a look at the --

23 A. Okay.

24 Q. So you read it? Did Lynne Freeman submit a
25 manuscript to you and request that you be her agent in

Emily Kim

1 **EMILY KIM**

2 **late 2010?**

3 A. Could you repeat the question?

4 MR. PASSIN: Could you read it back,
5 please.

6 (Whereupon, the record was read by the
7 reporter.)

8 THE WITNESS: Yes.

9 **Q. And what was the name of the manuscript?**

10 A. Blue Moon Rising.

11 **Q. Please be advised that I will refer throughout**
12 **this deposition to the manuscript as either Blue Moon**
13 **Rising or Masqued; is that understood?**

14 A. Understood.

15 **Q. Isn't it correct that Ms. Freeman actually sent**
16 **you or gave to you various versions of Blue Moon Rising**
17 **between late 2010 and March 2015?**

18 A. Correct.

19 **Q. Approximately how many different versions did**
20 **she send or give you during that time period?**

21 A. I couldn't say.

22 **Q. Well, was it more than 10?**

23 A. I would hesitate to guess on the record.

24 **Q. You can't make any sort of estimate at all?**

25 A. I would say about 10 to 15 perhaps.

Emily Kim

1 **EMILY KIM**

2	A.	Yes.
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3 Q. How did Ms. Freeman originally submit Masqued
4 to you?

5 | A. She submitted to my agency.

6 Q. Well, I guess what I'm asking is, did she
7 submit it in stages? Did she first upload a writing
8 sample to the portal?

9 A. My practice in my agency is that the author
10 first shares three chapters and then I request the
11 complete manuscript.

12 Q. Well, did she first, though, send you a writing
13 sample and then you asked for three chapters?

14 A. Again, I do not recall. But it is my practice
15 that an author send me three chapters and then the full
16 manuscript upon request.

17 Q. And they would send the three chapters to a
18 portal?

19	A.	Correct.
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20 Q. And what was the portal address?

21 A. I do not know.

22 Q. But it has an address, I take it?

23 A. I do not know.

24 Q. After you read the first three chapters, did
25 you then ask Ms. Freeman to send you the entire book?

Emily Kim

1 **EMILY KIM**

2 **should make to the manuscript?**

3 A. I do not recall that conversation, but again,
4 it's my practice to do so with potential clients.

5 **Q. Do you recall if in early December 2010, you**
6 **also discussed some rewrites that you thought**
7 **Ms. Freeman should make to the manuscript?**

8 A. I do not recall having that discussion, but it
9 seems like it would be part of my normal practice as an
10 agent.

11 MR. PASSIN: I would like to mark as
12 Exhibit 92 a document Bate stamped Number Kim
13 00189607 through Kim 00189611, an e-mail chain
14 between you and Ms. Freeman.

15 (Whereupon, KIM00189607-11 was marked
16 as Exhibit 92, for identification, as of this
17 date.)

18 **Q. Did you exchange this e-mail chain with**
19 **Ms. Freeman between January 3, 2011 and February 15,**
20 **2011?**

21 A. Would you like me to read it first or --

22 **Q. Yes, you can read it.**

23 A. Okay. I haven't had a chance to.
24 Okay.

25 **Q. So do you recall exchanging this e-mail string**

Emily Kim

1 EMILY KIM

2 with Lynne Freeman from between January 3, 2011 and
3 February 15, 2011?

4 A. I do not recall exchanging it, but I'm reading
5 it now.

6 Q. And you don't have any reason to believe that
7 you did not exchange it at that period of time, correct?

8 A. No.

9 Q. Please let me finish, since the court reporter
10 can't write us both down at the same time.

11 I'd like to read the first e-mail in the chain
12 which is the January 3, 2011 e-mail from Ms. Freeman to
13 you.

14 It says: "Hi, Emily. Happy new year. I'm
15 expecting to complete the rewrites we discussed in
16 December early this week. I haven't received the
17 contract back though. That mail is something else.
18 When would you like the rewrites? What format, et
19 cetera, and then when to discuss. I'm very excited with
20 the changes and hope you will be too. Kind regards,
21 Lynne Freeman."

22 Does that refresh your recollection that you
23 did in fact discuss in early December some rewrites that
24 you thought Ms. Freeman should make to the manuscript?

25 A. Does it refresh my memory?

Emily Kim

1 EMILY KIM

2 Q. Yes.

3 A. It appears that we discussed rewrites in early
4 December, but I still don't remember having that
5 discussion.

6 Q. Do you recall what those rewrites you suggested
7 were?

8 A. No.

9 Q. Please take a look at the e-mail on the second
10 page of the document dated January 9, 2011 from
11 Ms. Freeman to you.

12 A. What Bate stamp is that?

13 Q. That's 189608. Let me read that out loud.
14 Hold on one second.

15 "Hi, Emily, I have the contract. Thanks for
16 the pen. I feel so official -- happy face -- and have
17 made what I believe are the suggested revisions to the
18 manuscript and then some. What format should I use to
19 send you the manuscript back to you? Also, do you want
20 me to tell you the changes I made so you can see them as
21 you're reading or you just want to see it all fresh?
22 Thanks, and I'm so excited to see what you think.
23 Lynne."

24 Do you see that?

25 A. Yes.